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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,351	08/09/2001	Chad Byron Moore	MRE-7 DIV	4360

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EXAMINER

SANTIAGO, MARICELI

ART UNIT PAPER NUMBER

2879

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,351

Applicant(s)

MOORE, CHAD BYRON

Examiner

Mariceli Santiago

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 4, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The omitted drawing (Figure 25) was received on March 4, 2002. This drawing has been approved and acknowledged by the Examiner.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the field emission display panel having an hermetically sealed vacuum enclosure containing at least one array of fibers to form part of the structure in the display must be shown or the features canceled from claim 4. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claim 12 is objected to because of the following reasons:

Claim 12 fails to provide a transitional phrase separating the preamble from the claimed limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3 and 4 recite the limitation "at least one array of fibers", this limitation renders the claim indefinite, since where a claim directed to a device can be read to include the same element twice, it is considered indefinite. *Ex parte Kristensen*, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989).

Claim 6 recites the limitation "two glass plates", this limitation renders the claim indefinite, since where a claim directed to a device can be read to include the same element twice, it is considered indefinite. *Ex parte Kristensen*, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3, 5-7, 10-11 and 13-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,247,987 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other for the following reasons.

US Application SN 09/925351	US Patent No. 6,247,987	Reasons for rejection under Double Patenting
Claim 1	Claim 9	Patent '987 claims a display comprising two glass plates enclosing at least one array of fibers, where one of the two glass plates is larger than the other in all directions in a plane of the glass plates.
Claim 2	Claim 4	Patent '987 claims a display wherein the display is a plasma display panel having an hermetically sealed gas filled enclosure containing at least one array of fibers.
Claim 3	Claims 9 and 27	Patent '987 claims a display having a bottom glass plate smaller than the top glass plate in all directions in a plane of the plates (claim 9) and a plasma addressed liquid crystal panel having at least one array of fibers to form a plasma cell structure (claim 27).
Claim 5	Claim 22	Patent '987 claims a display wherein the hermetically sealed gas filled enclosure contains two orthogonal arrays of fibers.
Claim 6	Claim 22	Patent '987 claims a display containing two glass plates sandwiched around a top fiber and a bottom fiber array, the top and bottom fiber arrays being substantially orthogonal, the top fiber array including identical top fibers, each top fiber including two wire sustain electrodes located near a surface of the top fiber and a thin dielectric layer separating the sustain electrodes from the surface, the surface being

		coated by an emissive film, the bottom fiber array including three alternating bottom fibers, each bottom fiber including a pair of barrier ribs that define a plasma channel, at least one wire address electrode located near a surface of the plasma channel, and a phosphor layer coating on the surface of the plasma channel, the plasma display panel being hermetically sealed with glass frit where the wire electrodes are brought out through the glass frit.
Claim 7	Claim 14	Patent '987 claims a display wherein the glass frit covers the ends of the top and bottom fibers.
Claim 10	Claims 9	Patent '987 claims a display wherein a top glass plate is larger than a bottom glass plate in all directions in a plane of the glass plates.
Claim 11	Claims 9 and 11	Patent '987 claims a display having a bottom glass plate smaller than the top plate in all directions in a plane of the plates (claim 9) and a glass frit that connects a surface of the top glass plate to an edge of an entire perimeter of the bottom glass plate (claim 11).
Claim 13	Claims 14 and 43	Patent '987 claims a display comprising two glass plates enclosing at two orthogonal fiber arrays (claim 14), and the display being curved (claim 43).
Claim 14	Claims 22 and 43	Patent '987 claims a display comprising two glass plates, where one of the two glass plates is larger than the other in all directions in a plane of the glass plates (claim 22), and the display being curved (claim 43).

Claims 1 and 12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,354,899 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other for the following reasons.

US Application SN 09/925351	US Patent No. 6,354,899	Reasons for rejection under Double Patenting
Claim 1	Claim 5	Patent '899 claims a display comprising two glass plates enclosing at least one array of fibers, which serves to form structure within the display, where one of the two glass plates is larger than the other in all directions in a plane of the glass plates.
Claim 12	Claim 12	Patent '899 claims a display having a vacuum tube attachment where a glass frit to seal a vacuum tube to the panel is forced to flow into a tube panel junction using a glass washer over the vacuum tube.

Allowable Subject Matter

Claims 4, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 4, and specifically comprising the limitation of the display being a field emission display panel having a hermetically sealed vacuum enclosure containing at least one array of fibers to form part of the structure in the display.

Regarding claim 8, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 8, and specifically comprising the limitation of the glass frit being used to form a hermetic seal and wire

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electrodes extending through a frit-seal and being connected to a circuit board containing high voltage drive electronics.

Regarding claim 9, claim 9 is allowable for the reasons given in claim 8 because of its dependency status from claim 8.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (703) 305-1083. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382. Additionally, the following fax phone numbers can be used during the prosecution of this application (703) 872-9318 (for response before a Final Action) and (703) 872-9319 (for response after a Final Action).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Ms. Santiago 5/14/02
Mariceli Santiago
Patent Examiner
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